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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 February 2008 from the Permanent Mission of Egypt to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Arab Republic of Egypt to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the letter of the Chairman dated 17 October 2007, requesting updated information on the implementation of resolution 1540 (2004), has the honour to enclose herewith the requested information (see annex).

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Annex to the note verbale dated 28 February 2008 from the Permanent Mission of Egypt to the United Nations addressed to the Chairman of the Committee

Additional information submitted by Egypt to the 1540 Committee

As a follow-up to previous reports submitted by Egypt to the 1540 Committee, and in compliance with paragraph 3 of Security Council resolution 1673 (2006), which "encourages all States that have submitted such reports to provide ... additional information on their implementation of resolution 1540 (2004)", Egypt wishes to submit, enclosed herewith, additional information on the implementation by Egypt of Security Council resolution 1540 (2004) for inclusion in Egypt's "matrix", as prepared by the 1540 Committee.

In this context, Egypt wishes to inform that it remains fully committed to the implementation of Security Council resolution 1540 (2004), and that, as in the past, Egypt remains committed to not providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport or use nuclear, chemical or biological weapons and their means of delivery.

Egypt also wishes to inform that a number of important developments with a high degree of relevance to Security Council resolution 1540 (2004) and to the work of the 1540 Committee have recently taken place in Egypt. In this context, Egypt wishes to highlight the following developments:

- In May 2006, the President of the Republic issued Presidential Decree No. 152 of 2006, relating to the Egyptian system of accounting and control of nuclear materials covered by the safeguards agreement between the Arab Republic of Egypt and the International Atomic Energy Agency. The Presidential Decree was followed up with Ministerial Decisions (Minister of Electricity and Energy) 419, 420 and 421 of 2006, relating to the implementation of the Presidential Decree (all annexed herewith).*
- In August of 2007, a Working Group was established as a subsidiary body to the Egyptian National Committee for International Cooperation on Counter-Terrorism charged with dealing specifically with the threat posed by the use by terrorists and non-State actors of weapons of mass destruction.
- Work is under way on the drafting of an Egyptian nuclear law that will deal comprehensively with all aspects relating to nuclear technology and materials. The draft Egyptian nuclear law is being developed in close cooperation with the International Atomic Energy Agency, and is expected to be submitted to the Egyptian Parliament for its consideration in the near future.
- Work is under way on the drafting of a new Egyptian anti-terrorism law. The said law will deal with all matters relating to terrorist activities, including in the nuclear, chemical, biological and radiological fields. It is expected that the draft law will be submitted to the Egyptian Parliament for its consideration in the near future.

Bearing in mind the immediate relevance of the aforementioned draft laws to the implementation of Security Council resolution 1540 (2004), Egypt intends to submit additional information to the 1540 Committee immediately upon adoption of the said draft laws by the Egyptian Parliament.

* The text referred to is on file with the Secretariat and is available for consultation.

10-30284

Enclosure

[Original: Arabic]

Additional information submitted by Egypt to the 1540 Committee

I. Introduction

Egypt does not provide any form of support to non-State actors in connection with the development, acquisition, production, possession, transport or use of nuclear, chemical or biological weapons or their means of delivery.

II. Nuclear weapons

Presidential Decree No. 152 (2006) was issued on 16 May 2006 and concerns the National System of Accounting for and Control of Nuclear Material. Such material is subject to the Safeguards Agreement concluded between the Arab Republic of Egypt and the International Atomic Energy Agency pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons. The Decree addresses:

- The regulatory authority charged with implementing the provisions of the decree, and its responsibilities and terms of reference;
- The obligations of bodies and persons acquiring, handling or producing nuclear material or carrying out activities related to such material;
- Data and information relating to nuclear material, including all relevant documents, papers and so forth, are regarded as being pertinent to the national interest in respect of the application of the provisions of the Penal Code and the relevant criminal legislation;
- Nuclear material subject to the Safeguards Agreement is regarded as hazardous waste for the purposes of the application of the Environment Act No. 4 of 1994 and its implementing regulations, which specifically provide that licences must be obtained and specify the penalties for non-compliance.

Ministerial Decisions (by the Minister of Electricity and Energy) Nos. 419, 420 and 421 were promulgated on 19 October 2006 and specify as follows:

- All data and information concerning nuclear material, nuclear facilities, off-site locations and related activities, including research activities, and import and export must be provided to officials of the relevant regulatory authority in order to enable the State to control and monitor nuclear material and activities within the State or in any location subject to its control or supervision;
- The acquisition, handling or production of nuclear material without the authorization of the regulatory authority is prohibited;
- The acquisition, handling or production of nuclear material through a natural person or the representative of a legal entity is prohibited;
- The head of the regulatory authority may withdraw or suspend a permit in specific circumstances.

Article 29 of the Environment Act of 1994 provides that the handling of hazardous material or waste without a permit from the competent administrative body is prohibited.

Article 88 of the Environment Act of 1994 provides that the penalty for any violation of the provisions of article 29 of the Act shall be a term of imprisonment of not less than five years and a fine of not less than 20,000 Egyptian pounds and not more than 40,000 Egyptian pounds.

Work is under way on the drafting of an Egyptian nuclear act designed inter alia:

- To establish a legislative framework governing facilities and activities in the fields of nuclear energy and radiation so as to ensure the utilization of atomic energy for peaceful purposes in a manner that ensures the safety and security of persons, property and the environment from the dangers of exposure to atomic radiation;
- To ensure compliance with Egypt's international obligations, including the obligation to prevent the illegal or unauthorized acquisition of nuclear material, prevent interference with authorized uses of nuclear material and facilities arising from criminal activities such as theft, misrepresentation, threats, sabotage and illicit trafficking, and ensure the safe handling of sources of ionizing radiation of all types in all fields so as to guarantee the protection of individuals, society and the environment and to ensure that no activity is undertaken in connection with nuclear or radiation material, equipment and technologies, except as authorized by the regulatory authority.

III. Chemical and biological weapons

Legal framework

Article 29 of the Environment Act of 1994 provides that the handling of hazardous material or waste without the authorization of the competent administrative body is prohibited.

Article 2 of the implementing regulation of Act No. 118 of 1975, promulgated by Ministerial Decision (Ministry of Trade and Industry) No. 770 of 2005, provides that goods needed by the country shall be imported in accordance with the law and with the implementing regulation, and in a manner consistent with public order.

Article 6 of the implementing regulation of Act No. 118 of 1975, promulgated by Ministerial Decision (Ministry of Trade and Industry) No. 770 of 2005, provides for the cessation of the import of certain goods listed in annex 1 to the implementing regulation irrespective of whether the import is for the purpose of trade, production or special use. It should be noted that the majority of the goods listed, which number no more than 100, are chemical substances hazardous to human health and that other chemical and biological substances can be added to the annex to the implementing regulation.

Implementing measures

Article 88 of the Environment Act of 1994 provides that the penalty for any violation of the provisions of article 29 of the Act shall be a term of imprisonment of not less than five years and a fine of not less than 20,000 Egyptian pounds and not more than 40,000 Egyptian pounds.

Article 25 of the implementing regulations of the Environment Act provides that the handling of hazardous substances or waste without the authorization of the

competent administrative body responsible for each such substance and its uses is prohibited.

IV. Security measures

(a) Measures taken to counter and prevent the importation or smuggling of weapons:

- Persons, luggage, opportunistics and vehicles are searched using advanced technical equipment.
- The relevant authorities perform security inspections and review bills of lading. Inspections are carried out using advanced equipment.
- Supplies to ships and aircraft are monitored and are subject to customs and security inspections using advanced equipment.
- Security patrols are conducted using launches in order to secure bodies of water, access floats and ships moored at ports; all vessels and persons working on them are subject to inspection in order to verify that they are legally entitled to be present on the bodies of water.
- The performance of staff at air, sea and land points of entry is being enhanced. Staff are given training in international security procedures including, for example, the following:
  - International Civil Aviation Organization guidelines for screening of liquids, gels and aerosols, which have been in force since 1 March 2007
  - Annex 17 to the Convention on Civil Aviation concerning security
  - The International Ship and Port Facility Security Code (ISPS Code) issued by the International Maritime Organization.

(b) Measures to monitor and control the handling of hazardous substances:

- The movement and handling of shipments of hazardous and chemical substances that are classified as explosives in the relevant ministerial decisions on hazardous substances and as customs bulletins concerning customs clearance of such substances are monitored. The International Maritime Dangerous Goods Code lists 350 such substances. The relevant standards of the International Civil Aviation Organization and the International Maritime Organization are also applied.
- Branches of the General Organization for Export and Import Control inspect cargoes of hazardous substances at all legal entry and exit points to the country.
- The General Organization for Export and Import Control analyses all incoming chemical shipments and samples for which no scientific name is provided in order to determine their components and scientific names and whether they are classified as explosive or hazardous substances.
- Borders used to transport radioactive material and other hazardous materials are secured.